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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,229	07/24/2003	Jean-Claude Reubi	717816.23	4549

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EXAMINER

PHAM, AUDREY S

ART UNIT	PAPER NUMBER
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1642

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/626,229

Examiner

Audrey S. Pham

Applicant(s)

REUBI, JEAN-CLAUDE

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 07 November 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☐ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Attached Sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

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The reply filed on 11/07/05 is not fully responsive to the prior Office Action of 10/07/05 because of the following matter:

Upon the election of group VII, Applicant was required to elect ONE (emphasis included in the prior Office Action) sequence represented by a SEQ ID NO from those listed in Claims 13, 14, 25, 29, 30 (page 4 of the Office Action).

In a reply dated 11/07/2005, Applicant elected SEQ ID NO: 21 and SEQ ID NO: 13. The reply to the Restriction Requirement is NOT responsive because Applicant did not elect ONE sequence. Title 37 CFR 1.143 states that an election (albeit a provisional one) must be made though the requirement is traversed. Applicant may request for reconsideration, withdrawal or modification of the requirement and give reasons for the inclusion of both SEQ ID NOs: 21 and 13 as part of the elected invention. However, in requesting reconsideration, as in the instant case, Applicant must indicate a provisional election of one sequence for prosecution. The invention shall be the one elected in the event the requirement becomes final. Applicant is advised that for a reply to this requirement to be complete, the reply must identify ONE sequence to be examined even though the requirement is traversed. (See MPEP 818.03(b))

Time period for Reply

Because the above-mentioned submission appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD OF (1) MONTH OR THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

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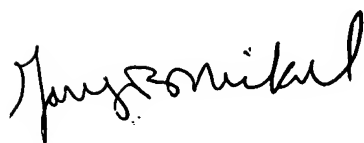
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Audrey S. Pham whose telephone number is (571) 272-3323. The examiner can normally be reached during the hours of 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew, can be reached during business hours at the telephone number: (571) 272-0787. The fax number for the organization, where this application or proceeding is assigned, is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Audrey S. Pham
Patent Examiner
Art Unit 1642



GARY B. NICKOL, PH.D.
PRIMARY EXAMINER